

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

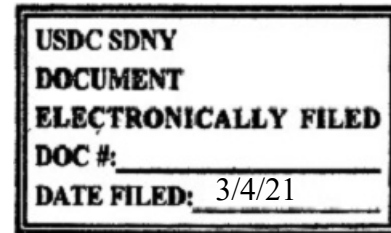
JOANN ZABALA,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.



19-CV-10922 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge

Plaintiff Joann Zabala filed this action pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking judicial review of a final decision of the Commissioner of Social Security denying her applications for disability insurance benefits and supplemental security income. The parties have agreed pursuant to 28 U.S.C. § 636(c) that a United States Magistrate Judge may conduct all proceedings and direct the entry of judgment in this action.

The Court has carefully reviewed the record, the briefs, and applicable law, and heard oral argument from the parties on March 4, 2021. For the reasons announced on the record at the conclusion of the argument, the Court has determined that the Commissioner committed legal error requiring remand. Therefore, plaintiff's motion for judgment on the pleadings (Dkt. No. 25) is **GRANTED**, the Commissioner's motion for judgment on the pleadings (Dkt. No. 14) is **DENIED**, and the case is **REMANDED** for further proceedings consistent with the Court's oral decision.

On remand, the ALJ should review the entire record, including plaintiff's 2017 EMG, Dr. De's findings as to the ROM in her left wrist, and plaintiff's various statements as to the circumstances under which she stopped working in 2014. Additionally, the ALJ should develop the record by requesting treatment notes from plaintiff's psychiatrist, Dr. Brito, and therapist, Ms. Singer (both affiliated with Montefiore Medical Center), and requesting medical opinion evidence as to plaintiff's physical impairments from Dr. Kim, Dr. Walter and Dr. Plachta (also affiliated with Montefiore Medical Center). The ALJ should then reassess plaintiff's subjective complaints of pain and related symptoms, as well as her RFC, in light of the entire record.

The Clerk of Court is respectfully directed to close the case.

Dated: New York, New York
March 4, 2021

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge